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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 JASON LEVETTE WASHINGTON,

9 Plaintiff,

10 v.

11 SAN FRANCISCO BAY AREA RAPID
12 TRANSIT DISTRICT, et al.,

13 Defendants.

Case No. [17-cv-05616-CRB](#)

**ORDER DISMISSING CLAIMS WITH
PREJUDICE FOR FAILURE TO
PROSECUTE**

14 On September 28, 2017, Plaintiff Jason Washington sued Alameda County, certain
15 County officials, and the San Francisco Bay Area Rapid Transit District (BART).
16 See Complaint (dkt. 1). On August 9, 2018, the Court dismissed Washington's claims
17 against Alameda County, Sheriff Ahern, and Deputy Panconi for failure to prosecute after
18 Washington failed to file a response to the Court's order to show cause. See Order
19 Granting Mot. to Dismiss (dkt. 52). BART now attests that "[t]here has been no activity
20 on the case in more than 523 days" and moves to dismiss for lack of prosecution. See
21 BART Mot. to Dismiss (dkt. 63) at 3. Washington's response was due by December 2,
22 2020, but Washington did not file a response. On December 4, 2020, the Court ordered
23 Washington to show cause why this case should not be dismissed for failure to prosecute.
24 See OSC (dkt. 65). Washington's response was due Friday, December 11, 2020. Id. Once
25 again, Washington did not file a response.

26 Therefore, Washington's claims against all remaining Defendants, including BART,
27 are hereby dismissed with prejudice for failure to prosecute under Rule 41(b) of the
28 Federal Rules of Civil Procedure. See Henderson v. Duncan, 779 F.2d 1421, 1423 (9th

1 Cir. 1986). The Court finds that the public's interest in expeditious resolution of litigation,
2 the court's need to manage its docket, the risk of prejudice to the Defendants caused by
3 Washington's undue delay, and the availability of less drastic sanctions all weigh in favor
4 of dismissal considering Washington's lack of activity and repeated failure to (1) oppose
5 motions to dismiss for failure to prosecute, and (2) respond to orders giving him further
6 opportunities to do so. See id.

7 **IT IS SO ORDERED.**

8 Dated: December 15, 2020



9 CHARLES R. BREYER
10 United States District Judge
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